

STATE OF NEVADA

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Executive Assistant

DEPARTMENT OF BUSINESS AND INDUSTRY
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD**

2501 E. Sahara Avenue, Suite 203, Las Vegas, Nevada 89104
(702) 486-4504 • Fax (702) 486-4355
www.emrb.state.nv.us

June 12, 2015

**MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT
EMPLOYEE-MANAGEMENT RELATIONS BOARD**

A meeting of the Local Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Tuesday, June 9, 2015, at the hour of 8:00 a.m., and continuing on Wednesday, June 10, 2015, at the hour of 8:00 a.m., and continuing on Thursday, June 11, 2015, at the hour of 8:00 a.m. at the Local Government Employee-Management Relations Board, 2501 E. Sahara Avenue, Room 203, Las Vegas, Nevada 89104.

The following Board members were present:

Philip E. Larson, Chairman
Brent C. Eckersley, Esq., Vice-Chairman
Sandra Masters, Board Member

Also present:

Bruce K. Snyder, Commissioner
Kim Arguello, Deputy Attorney General

Members of the Public Present:¹

Frank Flaherty, Esq., Dyer Lawrence
Kristin Martin, Esq., Davis Cowell & Bowe
Scott Greenberg, Esq., Clark County School Dist.

PRELIMINARY MATTERS

1. Call to Order

The Board meeting was called to order by Philip E. Larson, Chairman, on Tuesday, June 9, 2015, at 8:00 a.m.

2. Public Comment

¹ Apart from those attending the hearing (items 4 and 5).

No public comment was offered.

3. **Approval of the Minutes**

The Board approved the minutes as presented for the Board meeting held May 4-6, 2015.

CASES

HEARING CALENDAR

4. **Case A1-046123**

Nye County Law Enforcement v. Nye County

The hearing on the case was held by the Board. Upon conclusion of the hearing the Board deliberated on the case, and upon motion, held as follows: (1) that Nye County had not proven its affirmative defense, namely that the Juvenile Probation Officers are court employees and not local government employees, this holding to be without prejudice; (2) that there is no duty to bargain over which classifications are to be included within the scope of a given bargaining unit in that NRS 288.170 controls such situations; (3) that there is a community of interest between the Juvenile Probation Officers and the other classifications in the Nye County Law Enforcement Association, and that coupled with favoring larger bargaining units over small bargaining units, that the Juvenile Probation Officers should be returned to the Nye County Law Enforcement Association; and (4) that there should be no award of attorney fees or costs.

5. **Case A1-046113**

Education Support Employees Association and Police Officers Association of the Clark County School District v. Clark County School District

The hearing on the case was held by the Board on Wednesday, June 10, 2015, and Thursday, June 11, 2015. However, the case did not finish and will be continued on Monday, October 12, 2015, and if necessary, Tuesday, October 13, 2015.

STIPULATION CALENDAR

6. **Case No. A1-046113**

Education Support Employees Association and Police Officers Association of the Clark County School District v. Clark County School District

Upon motion, the Board approved the Stipulation to Dismiss Without Prejudice, as presented, with each side responsible for its own attorney fees and costs.

7. **Case No. A1-046124**

Joseph DeMonte v. Clark County

Upon motion, the Board approved the Stipulation and Order for Dismissal with Prejudice, as presented, with each side responsible for its own attorney fees and costs.

8. **Case No. A1-046135**

Nye County Law Enforcement Association v. Nye County

Upon motion, the Board approved the Stipulation to Dismiss Petition, as presented, with each side responsible for its own attorney fees and costs.

MOTION CALENDAR

9. **Case No. A1-046116**

David O'Leary v. Las Vegas Metropolitan Police Department

Upon motion, the Board denied Complainant's Motion for Reconsideration.

10. **Case No. A1-046133**

Service Employees International Union, Local 1107 v. Southern Nevada Regional Housing Authority

Upon motion, the Board denied Respondent's Motion for Summary Judgment and Complainant's Cross Motion to Dismiss Respondent's Affirmative Defense That It is Not a Local Government Employer.

Upon motion, the Board granted Respondent's Motion to Exclude All Attorney/Client Communications, clarifying that any decision on whether to exclude such communications must be only rendered if and when an objection is raised during the hearing and that such decision would be based upon the context of the objection and the alleged communication.

The Board also reviewed the Respondent's request to move the August 13, 2015 hearing date and, upon hearing arguments for various dates, elected to hear the case on August 18-20, 2015.

CALENDAR FOR MISCELLANEOUS MATTERS RELATED TO CASES

11. **Case A1-045735**

International Brotherhood of Teamsters, Local 14, AFL-CIO v. Clark County School District and Education Support Employees Association

Commissioner Snyder presented the various documents that make up the election plan for the election previously ordered by the Board. Upon motion, the Board approved the election plan, removing paragraph V-I-4 from the Election Plan itself, and removing the highlighted portions of V-I-2 from the Election Plan. The Board then gave the parties until June 19, 2015 to submit proposed language for V-I-2 and V-I-3 to the Commissioner, who would then come back at a future Board meeting with a possible amendment to the Election Plan.

12. Cases in the Queue for Future Hearing or Settlement Conference

Upon motion, the Board ordered a mandatory settlement conference for A1-046128, City of Las Vegas v. Las Vegas Peace Officers Association.

The Board took no further action on any other cases in the queue.

GENERAL AGENCY MATTERS

13. Schedule of Future Board Meetings

The Board reviewed the proposed schedule and made changes to the following for 2015:

<u>Dates</u>	<u>Location</u>	<u>Hearings on Cases</u>
July 14, 15 & 16, 2015	Las Vegas	A1-046130 2015-006
August 18, 19, & 20, 2015	Las Vegas	A1-046133
September 15, 16, & 17, 2015	Las Vegas	A1-045847 through A1-045864; A1-046138; and A1-046119, consolidated with A1-046121
October 12, 13, & 14, 2015	Las Vegas	A1-046113
November 17, 18, & 19, 2015	Las Vegas	To be determined
December 8, 9, & 10, 2015	Las Vegas	To be determined

14. Report of the Deputy Attorney General

Deputy Attorney General Arguello reported on three cases. First, on May 8th the District Court affirmed the EMRB's decision in the Deputy Marshals case. Secondly, on May 19th the District Court denied ESEA's motion to stay the upcoming election and instead granted the EMRB's motion to dismiss that case, noting that the court did not have jurisdiction prior to the holding of the election. Finally, on June 1st oral argument was held before the Nevada Supreme Court on the Jenkins case.

15. Reports by the Commissioner

A. Report on Cases Currently Outstanding.

Commissioner Snyder distributed the log of open cases and briefly discussed the contents of the log.

B. Elections Regulations Workshop Held May 27, 2015.

Commissioner Snyder presented the minutes of the workshop to the Board and discussed the comments made by those in attendance. He stated that he made the two technical corrections to the regulations as suggested and showed the changes to the Board. He then stated that the Board would need to decide

which cost reimbursement option, if any, to select. He would then send the draft of the regulation to the Legislative Counsel Bureau, who would prepare the formal draft. Once the formal draft is received, then the agency would need to schedule another workshop.

Thereupon it was decided by the Board to adopt the alternative in which the unions involved in the election would both split the cost of the election and also advance those costs prior to the election (Alternative A).

C. Proposed Permanent Regulation R010-15.

Commissioner Snyder reported that he has received back the formal draft of the regulation regarding e-filing and other matters, which was previously adopted as a temporary regulation. The Legislative Counsel Bureau made various stylistic changes and one substantive change not requested. The substantive change deletes sections of the regulations that address having the parties draft the findings of fact and conclusions of law, which, of course, is now done by our Deputy Attorney General. Commissioner Snyder further stated that a workshop would need to be held as the first step in making the temporary regulations permanent, and that this workshop should be held back-to-back with the workshop for the elections regulations.

D. Briefing on Pending Legislation Affecting NRS 288.

Commissioner Snyder presented a written summary of the bills that affect collective bargaining. He stated that it appears there will be a total of eight bills signed into law that either affect collective bargaining in general or specifically affect NRS 288. He further stated that as each bill is signed into law by the Governor that an e-mail to those on our mailing list is issued, with the bill attached to the e-mail for reference.

16. Report by the Board Secretary

Board Secretary Abellar reported on the progress of uploading approximately 200 collective bargaining agreements onto the website, noting that as of last week all of the collective bargaining agreements have now been uploaded.

17. Items for Future Agendas

Vice-Chairman Eckersley requested that staff bring back suggestions for improving the means for parties to both exchange exhibits and also for them to stipulate as to which exhibits might be admitted. Deputy Attorney General Arguello suggested that one option would be to review the short trial rules. Commissioner Snyder stated he will work on this item.

Chairman Larson also inquired as to when the new chairs for the Board will be purchased. Commissioner Snyder mentioned that the purchase of the new chairs must wait until the beginning of the new fiscal year.

CLOSING MATTERS

18. Comments by Board Members

No comments were made by any Board members.

19. Additional Period of Public Comment

No public comment was offered.

Respectfully submitted,



Bruce K. Snyder,
EMRB Commissioner